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**From:** Godfrey, Annie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A617415832DF4B5084317466EB2EA8B7-GODFREY, ANNIE]  
**Sent:** 12/12/2017 1:33:25 PM  
**To:** Baker, Frank [Baker.Frank@epa.gov]; Cooper, Jamal [cooper.jamal@epa.gov]  
**CC:** Benante, Joanne [benante.joanne@epa.gov]  
**Subject:** RE: Change to Georgia WQS

Thanks for compiling this.

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**From:** Baker, Frank  
**Sent:** Tuesday, December 12, 2017 8:23 AM  
**To:** Godfrey, Annie <Godfrey.Annie@epa.gov>; Cooper, Jamal <cooper.jamal@epa.gov>  
**Cc:** Benante, Joanne <benante.joanne@epa.gov>  
**Subject:** Change to Georgia WQS

Annie, Jamal,

I took a look at our other R4 states to compare to Georgia's current and proposed WQS. Following are my notes.

EPD's proposal to modify its narrative General Criteria for All Waters at 391-3-6-.03 5(c):

"All waters shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which unreasonably [language added] interfere with designated [replaces "legitimate"] water uses."

Observations:

- 1) The proposed EPD modification would add "unreasonably" a qualifier providing an off-ramp to the current prohibition of an interference with legitimate uses.
- 2) The proposed EPD modification would make the criteria's benchmark applicable to just the specific designated use rather than inclusive and protective of all "legitimate" uses.
- 3) Alabama has a somewhat similar qualifier using the same word "unreasonably." The other states' WQS do not explicitly provide as much room for discretion.

Alabama (335-6-10-.09, p 10-27)

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

Florida (62-302.500, p. 23)

- (1) Minimum Criteria. All surface waters of the State shall at all places and at all times be free from:
- (a) Domestic, industrial, agricultural, or other man-induced non-thermal components of discharges which, alone

or in combination with other substances or in combination with other components of discharges (whether thermal or non-thermal):

1. Settle to form putrescent deposits or otherwise create a nuisance; or
2. Float as debris, scum, oil, or other matter in such amounts as to form nuisances; or
3. Produce color, odor, taste, turbidity, or other conditions in such degree as to create a nuisance; or ...

Kentucky (401 KAR 10:031, p. 2)

#### Section 2. Minimum Criteria Applicable to All Surface Waters.

(1) The following minimum water quality criteria shall be applicable to all surface waters including mixing zones, with the exception that toxicity to aquatic life in mixing zones shall be subject to the provisions of 401 KAR 10:029, Section 4.

Surface waters

shall not be aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species;
- (f) 1. Cause fish flesh tainting.  
2. The concentration of phenol shall not exceed 300 µg/L as an instream value.

Mississippi (Rule 2.2, p 7)

(3) Waters shall be free from materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor, taste, total suspended or dissolved solids, sediment, turbidity, or other conditions in such degree as to create a nuisance, render the waters injurious to public health, recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated use.

North Carolina (15A NCAC 02B .0101, p. 12)

(12) Oils, deleterious substances, colored, or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses. For the purpose of implementing this Rule, oils, deleterious substances, colored, or other wastes shall include substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines pursuant to 40 CFR 110.3(a)-(b) which are hereby incorporated by reference including any subsequent amendments and additions.

South Carolina (R.61-68, p.15)

5. All ground waters and surface waters of the State shall at all times, regardless of flow, be free from:
  - a. Sewage, industrial waste, or other waste that will settle to form sludge deposits that are unsightly, putrescent, or odorous to such degree as to create a nuisance, or interfere with classified water uses or existing water uses;
  - b. Floating debris, oil, grease, scum, and other floating material attributable to sewage, industrial waste, or other waste in amounts sufficient to be unsightly to such a degree as to create a nuisance or interfere with classified water uses or existing water uses;
  - c. Sewage, industrial, or other waste which produce taste or odor or change the existing color or physical, chemical, or biological conditions in the receiving waters or aquifers to such a degree as to create a nuisance, or interfere with classified water uses (except

16 classified uses within mixing zones as described in this regulation) or existing water uses; and, ...

Tennessee (Ch 0400-40-03, p. 6)

(d) Turbidity, Total Suspended Solids, or Color - There shall be no turbidity, total suspended solids, or color in such amounts or of such character that will materially affect fish and aquatic life. In wadeable streams, suspended solid levels over time should not be substantially different than conditions found in reference streams.

(f) Taste or Odor - The waters shall not contain substances that will impart unpalatable flavor to fish or result in noticeable offensive odors in the vicinity of the water or otherwise interfere with fish or aquatic life. References include, but are not limited to: Quality Criteria for Water (section 304(a) of Public Law 92-500 as amended).

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**From:** Benante, Joanne  
**Sent:** Thursday, December 7, 2017 8:55 AM  
**To:** Mary Walker ([walker.mary@epa.gov](mailto:walker.mary@epa.gov)) <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>  
**Cc:** Godfrey, Annie <[Godfrey.Annie@epa.gov](mailto:Godfrey.Annie@epa.gov)>; Cooper, Jamal <[cooper.jamal@epa.gov](mailto:cooper.jamal@epa.gov)>; Molly Davis <[Davis.Molly@epa.gov](mailto:Davis.Molly@epa.gov)>; Shell, Karrie-Jo <[Shell.Karrie-Jo@epa.gov](mailto:Shell.Karrie-Jo@epa.gov)>; Ireland, Sean <[Ireland.Sean@epa.gov](mailto:Ireland.Sean@epa.gov)>  
**Subject:** Change to Georgia WQS

FYI

It came to our attention yesterday, that GAEPD has posted a public notice of what they term a clarification to their WQS on their "free from" narrative (includes color odor). We were unaware of this change. Annie notified me this morning that there has been some press about it today. Joel heard something on WSB and the Altamaha Riverkeeper has this:

<http://altamahariverkeeper.org/?p=1155>

Annie and Jamal are looking at it to determine if they believe it is a change to WQS and not only a clarification and whether we might have concerns about the change. We wanted to give you a heads up on this issue and will let you know if we hear any more.

<https://content.govdelivery.com/accounts/GAEPD/bulletins/1ca2524>